

EXHIBIT “D”

February 5, 2025 Email from Plaintiff’s Counsel

Danielle M Gosciniak

From: Kimberly L Russell
Sent: Wednesday, February 5, 2025 1:54 PM
To: Durham, Christopher D.; Bassani, Elisabeth; Brown, Adam
Subject: Auteri - Subpoena to Testify at a Deposition - Alex Gorsky [IMAN-IMAN_BB.FID667665]
Attachments: Subpoena to Testify at a Deposition - Alex Gorsky.pdf

Good afternoon Chris, Liz, and Adam,

Attached is a Subpoena which I intend to issue for service today to Alex Gorsky for a deposition (no documents requested) in my office on February 12, 2025 beginning at 9:30a.m. If you will be representing Mr. Gorsky and/or are able to accept service on Mr. Gorsky's behalf, please so advise me. Thank you, and I will see you tomorrow.

Kim Russell

Kimberly L. Russell, Esquire
[Kaplin Stewart Meloff Reiter & Stein, P.C.](#)
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910 Harvest Drive
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Employers' Legal Defense Institute™
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UNITED STATES DISTRICT COURT

for the

Joseph S. Auteri, M.D.

Plaintiff

VIA Affiliates,

v.

d/b/a Doylestown Health Physicians

Defendant

Civil Action No. 2:22-cv-03384

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Alex Gorsky

(Name of person to whom this subpoena is directed)

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must promptly confer in good faith with the party serving this subpoena about the following matters, or those set forth in an attachment, and you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about these matters:

Place: Kaplin Stewart Meloff Reiter & Stein, P.C.,
910 Harvest Drive, Suite 200, Blue Bell, PA 19422

Date and Time: Wednesday, February 12, 2025
beginning at 9:30 a.m.

The deposition will be recorded by this method: Court Reporter

☐ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 2/5/2025

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Plaintiff

, who issues or requests this subpoena, are:

Kimberly L. Russell, Esquire; Kaplin Stewart Meloff Reiter & Stein, P.C., 910 Harvest Drive, Suite 200, Blue Bell, PA 19422;

Email - krussell@kaplaw.com; Telephone No. (610) 941-2541

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* _____
 on *(date)* _____ .

☐ I served the subpoena by delivering a copy to the named individual as follows: _____

_____ on *(date)* _____ ; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.: